

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARY JEWELERS, LLC, ET AL.,
Plaintiffs

v.

CIVIL ACTION NO.:
04-10281-EFH

IBJTC BUSINESS CREDIT CORP. and
DAVID MOLINARIO,
Defendants.

ORDER

January 19, 2006

HARRINGTON, S.D.J.

After oral argument, the Court grants Defendants' Motion for Summary Judgment as to Counts II, III and IV. The bases for this ruling are as follows:

1. Count II, breach of confidential or fiduciary relationship, and Count IV, breach of implied contract of confidentiality, are not recognized causes of action under Massachusetts tort law; and
2. With respect to Count III, violation of Mass.Gen.L. ch. 93A (unfair or deceptive trade practices), plaintiff's counsel in oral argument conceded that the facts of this case fail to rise to the level which would constitute a violation of said statute, and the Court, on review of the papers filed herein, concurs.

The Court shall take the Defendants' Motion for Summary Judgment as to Count I, tortious interference with contract and business expectancies, under advisement.

SO ORDERED.

/s/ Edward F. Harrington
EDWARD F. HARRINGTON
United States Senior District Judge